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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/801,385	03/15/2004	Francois Chausset	403225	3162
23548	7590	04/06/2006	EXAMINER	
LEYDIG VOIT & MAYER, LTD 700 THIRTEENTH ST. NW SUITE 300 WASHINGTON, DC 20005-3960			WEBB, TIFFANY LOUISE	
			ART UNIT	PAPER NUMBER
			3616	

DATE MAILED: 04/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/801,385	<b>Applicant(s)</b> CHAUSSET, FRANCOIS	
	<b>Examiner</b> Tiffany L. Webb	<b>Art Unit</b> 3616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 March 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |  |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>3/15/2004</u> . | 6) <input type="checkbox"/> Other: ____.   |

### **DETAILED ACTION**

The preliminary amendment submitted on 3/15/2004 is acknowledged.

#### ***Drawings***

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: 26 and 51.
2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the standby and deployed position must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner,

the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Specification***

3. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a **single paragraph** on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "**means**" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

4. The abstract of the disclosure is objected to because of errors such as the inclusion of "Figure 3" at the end of the abstract. Correction is required. See MPEP § 608.01(b).
5. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is

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requested in correcting any errors of which applicant may become aware in the specification.

***Claim Objections***

6. Claim 12 is objected to because of the following informalities: the examiner believes that "the floating tram" in line 2 is a typographical error. The examiner suggests changing to "the floating ramp." Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claims 1-19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites in line 6, "the opposite end." Further, the claim recites "the vehicle compartment" in line 8. There is insufficient antecedent basis for this limitation in the claim. Also in claim 1, line 7, "makes it deploy" is unclear because it is not clearly recited to what "it" is supposed to be. Also in claim 1, lines 4, 5 and 9 state "interior trim," but it appears it should be "interior trim panel." In claim 1, line 5, "usually" is unclear to the scope of the word in the context used. The examiner suggests deleting or correcting to use better language.

Claim 3 recites the limitation "the travel" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claims 4 and 11 are unclear to the meaning of "its" in lines 5 and 4, respectively. The examiner believes that "its" is referring to the floating ramp, but the examiner suggests clarifying the claim.

Claim 5 is unclear to the meaning of "a casting." The examiner believes it is a typo, but was unclear because no antecedent basis was found in the specification. Also, claim 5 recites the limitation of "the bottom" in line 4. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 1-4, 6-11, 13-14, and 16-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kutchev et al. (US 6,364,349) in view of Bowers et al. (US 6,299,199). Regarding claim 1, Kutchev et al. discloses having a motor vehicle including: a body (16); interior trim panels (144 and 150); a means of inflating the airbag (22). Kutchev et al. fails to disclose having guide straps extending from the body to the interior trim and connected to the airbag. Bowers et al. discloses having a side curtain air bag (14) having at least one guide strap (70 and 72) attached to the interior trim and the other end attached to the air bag. It would have been obvious to one of ordinary skill in the art at the time of the invention to put tethers or straps on the airbag system of Kutchev et al. in view of Bowers et al. in order to provide better protection for the vehicle

occupant during side collisions or rollover accidents. Regarding claim 2, Kutchey et al. discloses having a floating ramp (100) attached to the interior trim, the airbag pushing the floating ramp from the standby position to a deployed position (see Figure 5).

Regarding claim 3, Kutchey et al. discloses having a floating ramp including a means of stopping the travel of the ramp (see Figure 5). Regarding claims 4 and 11, Kutchey et al. discloses having a fixed ramp (120) attached to the body and having a first locking device (96) and the floating ramp having a second locking device (106), the first and second locking devices act to keep the floating ramp in the standby position until the pressure from the airbag exceeds a certain limit. Regarding claim 6, Kutchey et al. discloses having a first panel (150) and a second panel (140) next to the first panel, the airbag pushes the second panel away from the body and therefore pushes the first panel to create an opening for the airbag to go through (see Figure 5). Regarding claim 7, Kutchey et al. discloses the floating ramp having an upper side with faces the airbag (122). Regarding claim 8, Kutchey et al. discloses the upper side of the floating ramp is defined by an inner edge and the first panel having an upper edge which is parallel to the inner edge and the second panel having a lower edge fitted between the inner edge and the upper edge (see Figures 4 and 5). Regarding claims 9, 13, and 14, Kutchey et al. discloses a first panel including at least one locking tab (106), which snaps into a lock opening on the floating ramp. Regarding claims 10, 16, 17, 18, and 19, Kutchey et al. discloses having a second locking device having a locking tab (90 and 106), and the first locking device being a corresponding lock opening in which snaps the locking tab when the floating ramp is in the standby position (see Figures 4 and 6).

***Allowable Subject Matter***

11. Claims 5, 12, and 15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following are all side curtain trim panels: Miyahara et al. (US 6,234,517), Braun et al. (US 6,439,598), Brannon et al. (US 6,505,853), Ochiai et al. (US 6,974,151), Nakajima et al. (US 2001/0000290), Wallner et al. (US 2003/0205887), and Totsuka et al. (US 2004/0178609).


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tiffany L. Webb whose telephone number is 571-272-2797. The examiner can normally be reached on 8-4:30 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on 571-272-6669. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



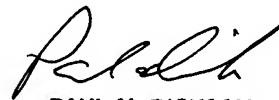
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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Tiffany L Webb  
Examiner  
Art Unit 3616

tlw



4/3/06

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SUPERVISORY PATENT EXAMINER  
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